

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY LONDON

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FOR WILLIAM K MILLER

FOL RPT STATE 19239 ACTION BRASILIA RIO DE JANEIRO

26 JAN

QUOTE

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BRASILIA FOR VALADEZ, RIO DE JANEIRO FOR DAWSON

E.O. 11652: N/A

TAGS: ETEL, IMCO, BR

SUBJECT: RESUMED SESSION IMCO CONFERENCE ON ESTABLISHMENT
OF A MARITIME SATELLITE SYSTEM.

PLEASE PASS FOLLOWING MESSAGE FROM DEP ASST SEC BILLER
TO JOHN EGER, ACTING DIRECTOR, OFFICE OF TELECOMMUNICATIONS
POLICY (OTP).

1. AFTER OUR MEETING ON JANUARY 19, WE DISCUSSED
INMARSAT QUESTION WITH ALL OTHER USG AGENCIES CONCERNED -
MARAD, COAST GUARD AND FCC. THEY UNANIMOUSLY AGREE
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THAT U.S. SHOULD NOT JEOPARDIZE OPPORTUNITY AT RESUMED

SESSION OF INMARSAT CONFERENCE TO RESOLVE REMAINING ISSUES. FOLLOWING REPRESENTS JOINT VIEWS OF AGENCIES MENTIONED ABOVE (IN ADDITION TO STATE):

2. USG HAS INSISTED AS A CONDITION FOR ITS PARTICIPATION IN INMARSAT THAT THE INSTITUTIONAL ARRANGEMENTS HAD TO PROVIDE FOR THE POSSIBILITY OF AN ENTITY DESIGNATED BY A PARTY TO ASSUME FINANCIAL, OPERATING AND OTHER RESPONSIBILITIES, THE VESTING OF DECISION-MAKING IN A STRONG COUNCIL OF INVESTORS, EACH WITH A VOTE PROPORTIONATE TO HIS USE OF THE SYSTEM, A PROCUREMENT POLICY CLOSELY FOLLOWING THE INTELSAT CRITERIA FOR THE

AWARD OF CONTRACTS, AND THE USE OF AN OPERATING AGREEMENT AND A CONVENTION TO ESTABLISH THE INSTITUTIONAL ARRANGEMENTS. SINCE THESE CONDITIONS WERE AGREED IN PRINCIPLE AT THE FIRST SESSION OF THE CONFERENCE AND TEXTS SUBSEQUENTLY DRAFTED GIVING EFFECT TO THEM, VIEW IS HELD THAT USG MUST NOW BE PREPARED, ASSUMING SUITABLE RESOLUTION OTHER ISSUES, TO INITIAL CONVENTION, AND AGREE THAT TEXT OF OPERATING AGREEMENT IS SATISFACTORY.

3. INITIALLING WOULD SIGNIFY USG ACCEPTANCE OF TEXT OF CONVENTION AND WILLINGNESS TO TAKE THOSE FURTHER STEPS NECESSARY TO COMPLETE MEMBERSHIP. WE WOULD INSTRUCT THE U.S. REPRESENTATIVE TO MAKE CERTAIN THAT IT WAS CLEARLY UNDERSTOOD THAT OUR INITIALLING OF THE CONVENTION WOULD NOT REPRESENT ANY GUARANTEES REGARDING FINANCIAL COMMITMENTS. WHILE INITIALLING WOULD MOVE U.S. TOWARD MEMBERSHIP IN INMARSAT, IT WOULD NOT FORECLOSE USG OPTIONS WITH RESPECT TO ACHIEVING USG OBJECTIVE OF RATIONAL USE OF ORBITAL SPACE FOR ACCOMMODATING ALL SATELLITE REQUIREMENTS. THE CONVENTION COULD BE AMENDED AFTER ENTRY INTO FORCE SHOULD IT APPEAR THAT AN EXPANDED MANDATE IS WARRANTED, AND THAT SUCH MANDATE WOULD BE CONSISTENT WITH DOMESTIC REGULATORY POLICY. FAILURE TO INITIAL THE CONVENTION COULD ONLY BE CHARACTERIZED AS IRRESPONSIBLE ATTITUDE ON PART OF USG, HAVING FIRST DEMANDED THAT LIMITED OFFICIAL USE

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CERTAIN CONDITIONS BE MET, AND THEN WHEN SUCH CONDITIONS WERE MET, NOT ACCEPTING THE TEXT. WERE THIS COURSE OF ACTION FOLLOWED, IT WOULD IN OUR JUDGMENT POISON THE ATMOSPHERE NOT ONLY AT SUBSEQUENT INMARSAT NEGOTIATIONS (WHERE IT IS DOUBTFUL WE COULD EVER NEGOTIATE AS GOOD AN AGREEMENT AS WE THINK POSSIBLE NOW IN VIEW OF THE REASONABLE LIGHT IN WHICH USG VIEWS AND PARTICIPATION CONSIDERED), BUT ALSO AT OTHER

INTERNATIONAL ORGANIZATION MEETINGS AND NEGOTIATIONS
AND IN VARIOUS INTERNATIONAL COOPERATIVE VENTURES
ESPECIALLY IN THE SPACE AND TELECOMMUNICATIONS FIELDS,
A VIEW IN WHICH NASA ADDITIONALLY CONCURS.

4. WHILE GENERALLY ACKNOWLEDGING THAT IT WOULD
HAVE BEEN EXPEDIENT TO HAVE THE U.S. DESIGNATED ENTITY
PARTICIPATE IN THE NEGOTIATION OF THE OPERATING
AGREEMENT, IT IS BELIEVED THAT THE FAILURE TO HAVE
THE DESIGNATED ENTITY PARTICIPATE, IN ITS SPECIFIC
CAPACITY AS DESIGNATED ENTITY, IS NOT ESSENTIAL EITHER
TO THE NEGOTIATION OF, OR USG CONCURRENCE IN, A SPECIFIC
TEXT FOR THE OPERATING AGREEMENT. ALL OF THE PREPARATORY
WORK UNDERTAKEN BY THE U.S. BOTH FOR THE FIRST AND SECOND

SESSIONS OF THE CONFERENCE AND THE INTER-SESSIONAL
WORKING GROUP, REFLECTS THE ACTIVE AND CONSTRUCTIVE
PARTICIPATION OF INDUSTRY REPRESENTATIVES. FURTHER,
THESE INDUSTRY REPRESENTATIVES HAVE SERVED AS
ADVISERS ON THE DELEGATIONS TO THESE MEETINGS. WE
HAVE DRAWN ON THEIR FINANCIAL, TECHNICAL AND OPERATING
EXPERIENCE IN ARRIVING AT OUR POSITIONS. ACCORDINGLY,
WHILE WE WOULD NOT INITIAL THE OPERATING AGREEMENT,
WE WOULD BE PREPARED TO INFORM THE CONFERENCE THAT THE
TEXT NEGOTIATED WAS SATISFACTORY, ASSUMING, OF COURSE,
THE SUITABLE RESOLUTION OF SUBSTANTIVE ISSUES.

5. THEREFORE, WE ARE SENDING FORWARD TO THE SECRETARY
A REQUEST THAT HE AUTHORIZE CONTINUED NEGOTIATION OF
THE CONVENTION AND OPERATING AGREEMENT AT THE RESUMED
CONFERENCE. THE REQUEST WILL INCLUDE AUTHORIZATION
TO INITIAL THE CONVENTION AND TO AGREE WITH THE TEXT
OF THE OPERATING AGREEMENT, ASSUMING SUITABLE
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RESOLUTION OF ISSUES.

6. IN VIEW OF THE UNANIMITY OF OPINION OF THE
AGENCIES NOTED, WE WOULD APPRECIATE AN IMMEDIATE
REPLY BY CABLE INDICATING WHETHER YOU ARE PREPARED TO
SUPPORT THIS COURSE OF ACTION. KISSINGER

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